

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE	)	
ENERGY KENTUCKY, INC. FOR 1) AN	)	
ADJUSTMENT OF THE ELECTRIC RATES; 2)	)	
APPROVAL OF NEW TARIFFS; 3) APPROVAL	)	CASE NO.
OF ACCOUNTING PRACTICES TO	)	2019-00271
ESTABLISH REGULATORY ASSETS AND	)	
LIABILITIES; AND 4) ALL OTHER REQUIRED	)	
APPROVALS AND RELIEF	)	

ORDER

This matter arises on a petition filed on November 27, 2019, by Duke Energy Kentucky (Duke Kentucky), pursuant to 807 KAR 5:001, Section 13, requesting that designated materials filed with the Commission be afforded confidential protection for 20 years.

In support of its petition filed on November 27, 2019, Duke Kentucky states that public disclosure of the designated materials contained its Responses to the Commission Staff's Third Request for Information, Items 24 and 72, and the Attorney General's Second Request for Information, Items 11, 17, 24, and 63, would result in competitive injury by providing its competitors with information described as detailed pertaining to bids and other financial information from outside vendors. Furthermore, public disclosure is prohibited by KRS 61.878(1)(m) because it provides the whereabouts of critical infrastructure whose public disclosure would pose a threat to public safety.

Having considered the petition and the materials at issue, the Commission finds that the designated materials described in Duke Kentucky's November 27, 2019, petition

meet the criteria for confidential treatment and are exempted from public disclosure pursuant to KRS 61.878(1)(c)(1) and KRS 61.878(1)(m).

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's November 27, 2019 petition for confidential protection is granted.
2. The designated materials shall not be placed in the public record or made available for public inspection for 20 years, or until further Orders of this Commission.
3. Use of the designated materials in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).
4. Duke Kentucky shall inform the Commission if the designated materials become publicly available or no longer qualify for confidential treatment.
5. If a non-party to this proceeding requests to inspect the designated materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not expired, Duke Kentucky shall have 30 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Duke Kentucky is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.
6. The Commission shall not make the designated materials available for inspection for 30 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Duke Kentucky to seek a remedy afforded by law.

By the Commission

ENTERED  
JAN 21 2020  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
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